

10.0 CORRECTIVE ACTION PLAN

A corrective action plan (CAP) encompasses all activities necessary to manage human health and environmental risk so that they do not exceed the acceptable risk levels under either current or reasonably anticipated future land use conditions. CAP activities may include, but are not limited to, (i) corrective action plans, (ii) activity use limitations (AULs), and (iii) monitoring to verify assumptions made in the risk assessment.

10.1 NEED FOR A CORRECTIVE ACTION PLAN

A site-specific CAP is required if either of the following two conditions is met:

- representative chemical of concern (COC) concentrations for one or more complete or potentially complete routes of exposure exceed the appropriate tier-specific risk-based target levels, or
- representative COC concentrations for each complete or potentially complete route of exposure do not exceed the appropriate tier-specific target levels, but the tiered risk assessment was based on certain site-specific assumptions that must be preserved via a CAP.

The overall objective of a CAP is to ensure that:

- Site conditions are protective of human health and the environment under current and reasonably anticipated future conditions,
- Assumptions made in the development of target levels are not violated and/or remain applicable in the future, and
- Recoverable-Mobile or immobile light non-aqueous phase hydrocarbons-liquids (LNAPL; mobile LNAPL is referred to as “free product”) (~~free product LNAPL~~) are not present in the soil or groundwater in volumes that will result in any of the following conditions: (i) an expanding LNAPL-free product plume in soil or groundwater, (ii) an expanding dissolved plume, (iii) unacceptable risk to human health or the environment, and (iv) explosive or fire hazard.

Note that adequate protection of human health and the environment is afforded by achieving any of the tiered target levels discussed in Section 2.3. Successful implementation of the CAP will result in the issuance of a no further action (NFA) letter by MDNR.

The following sections provide general information regarding the preparation of a CAP.

10.2 CONTENTS OF CORRECTIVE ACTION PLAN

Once it is determined that a CAP is necessary for a site, the evaluator should prepare and submit a CAP to MDNR. A CAP may include one or a combination of:

- Active remedial actions to reduce COC concentrations to meet applicable target levels. Examples include, but are not limited to, soil excavation and off-site treatment or disposal, groundwater pump and treat, soil or groundwater vapor extraction, and enhanced in-situ attenuation;
- Application of AULs to eliminate certain exposure pathways. Examples include, but are not limited to, conditions imposed on the property that prevent the installation of wells, thereby eliminating the groundwater use pathway; conditions imposed to prevent future residential land use, etc., or
- Use of monitored natural attenuation to reduce COC concentrations.

Prior to implementation of the CAP, the evaluator must submit the plan to MDNR for approval. A CAP has to be tailored to meet site-specific conditions. However, at a minimum, it should include:

- The reasons why a CAP is being prepared and the specific objectives of the plan. As mentioned above, reasons for preparing the plan include:
 - Exceedance of target levels. The CAP should very clearly indicate the pathway, COC, and media that exceed the target level.
 - Need for AULs. The CAP should very clearly identify the specific reasons why AULs are necessary and the area to which they apply.
 - Presence of recoverable free product. The CAP should very clearly indicate the wells where this condition exists and the extent of the free product.
- A description of the specific activities that will be conducted as a part of the CAP. Examples include soil vapor extraction until the representative soil concentrations achieve a specified numerical value, or semi-annual monitoring of specified wells until concentrations show a clear decreasing trend. For the latter, the CAP shall indicate the method used to confirm plume stability (plots, contour maps or statistical evaluation of data). Note that, for active remedial actions, a corrective action plan must be prepared for submittal to, and approval by, MDNR.
- The CAP shall include specific criteria that will be used to demonstrate that the CAP activities have been successfully completed. Generally, this demonstration will require the collection of samples from the medium or media of concern.

Note that a CAP Performance Monitoring Plan must be submitted to, and approved by, MDNR for such activities.

- An explanation of the data that will be collected and the manner in which it will be analyzed during implementation of the CAP. An example of data that might be collected would be confirmatory soil or groundwater sampling data to demonstrate the effectiveness of the remedial measures.
- Details of how and when the data will be evaluated and presented to MDNR. Examples include trend maps, concentration contours, concentration vs. distance plots, calculations related to mass removal rates, etc.
- If AULs are a part of the CAP, sufficient documentation must be provided to MDNR demonstrating the existence, execution, and long term viability of the AULs. Note that an AUL Work Plan is required when AULs are proposed to address a specific risk or risks.
- As appropriate, the CAP shall also include contingency plans that will be implemented should the selected remedy fail to meet the overall objectives of the CAP in a timely manner or the remedy is not as effective as anticipated.
- A schedule for implementation of the plan. Where the duration of the proposed activities is expected to exceed a few months, a detailed project time line shall be developed. This should include all major milestones as well all as deliverables to MDNR.

MDNR will review the CAP and either approve the plan as submitted, approve the plan with comments, disapprove the plan, or disapprove the plan with comments. The person who prepared the plan shall then revise the CAP to include MDNR's comments and resubmit the plan for approval. Upon receipt of approval, the entity performing the CAP should begin implementing the plan as per the approved schedule.

Note that Section 12 of this document provides further information regarding the content of a CAP and related work plans. This section and Section 12 should be carefully reviewed prior to developing a CAP.

10.3 COMPLETION OF CORRECTIVE ACTION ACTIVITIES

Upon successful completion of the approved CAP, the entity performing the work will submit a CAP Completion and Performance Monitoring Report that will include (i) confirmation of the successful completion of all elements of the CAP, (ii) a request for site closure, and (iii) a request to plug and abandon monitoring wells related to the environmental activities at the site. Refer to Section 2.4 and Section 12 for further information regarding final reporting.

Upon review of the final report, MDNR will either issue a NFA letter for the site or provide comments to the tank owner/operator explaining why a NFA letter cannot be issued and what additional activities are necessary. CAP activities must continue until MDNR issues a NFA letter or provides written authorization to terminate CAP activities.

10.4 NO FURTHER ACTION PROCEDURE

When the MRBCA evaluation has been performed, the evaluation has been approved by MDNR, and the approved CAP has been successfully implemented, the tank owner or operator may submit a request for issuance of a NFA letter to MDNR. The NFA request should be a part of the CAP Completion and Performance Monitoring Report discussed above and in Section 12.

Typically, the CAP Completion and Performance Monitoring Report, including the NFA request, would be the last report submitted to the MDNR prior to receiving a NFA letter. MDNR will review the report and request and issue a NFA letter if all applicable requirements have been met.